

CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

FILED IN CLERK'S OFFICE
U.S.D.C. Rome

SEP 15 2014

JAMES N. MATTEN, Clerk
By: Deputy Clerk

DONALD MANNING #407196

(Enter above the full name and prisoner
identification number of the plaintiff, GDC
number if a state prisoner.)

-VS-

BRIAN OWENS, RICK JACOBS, CLAY
TATUM, SHAY HATCHER, TIMOTHY
CLARK, OFC. SARGET, OFC. KYSER
(Enter above the full name of the defendant(s).)

4:14cv236-HLM/WEJ

I. Previous Lawsuits

A. Have you filed other lawsuits in federal court while incarcerated in any institution?

Yes (✓) No ()

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s): DONALD MANNING #407196

Defendant(s): MAIL ROOM STAFF

2. Court (name the district):

STATESBORO, SOUTHERN DIST.

3. Docket Number:

UNKNOWN/LOST IN TRANSFER

I. Previous Lawsuits (Cont'd)

4. Name of judge to whom case was assigned: UNKNOWN
5. Did the previous case involve the same facts?
Yes () No (✓)
6. Disposition (Was the case dismissed? Was it appealed? Is it still pending?):
DISMISSED, I think
7. Approximate date of filing lawsuit: AROUND 1998
8. Approximate date of disposition: —

II. Exhaustion of Administrative Remedies

Pursuant to 28 U.S.C. § 1997e(a), no prisoner civil rights action shall be brought in federal court until all available administrative remedies are exhausted. Exhaustion of administrative remedies is a precondition to suit, and the prisoner plaintiff must establish that he has exhausted the entire institutional grievance procedure in order to state a claim for relief.

- A. Place of Present Confinement: HAYS STATE PRISON
- B. Is there a prisoner grievance procedure in this institution?
Yes (✓) No ()
- C. Did you present the facts relating to your complaint under the institution's grievance procedure?
Yes (✓) No ()
- D. If your answer is YES:
1. What steps did you take and what were the results?
I FILED GRIEVANCE. THE GRIEVANCE AND
APPEAL WAS DENIED
 2. If your answer is NO, explain why not: _____

PREVIOUS LAWSUIT(Cont)

1. PARTIES to this PREVIOUS LAWSUIT

Plaintiff DONALD MANNING #407196

DEFENDANT(S) Rick Jacobs, et al.

2. COURT(NAME the district): NORTHERN DISTRICT
ROME

3. DOCKET NUMBER 4:13-CV-00305-HLM-WET

4. NAME of judge to whom CASE WAS ASSIGNED:
WALTER E. JOHNSON

5. Did the PREVIOUS CASE INVOLVE the SAME fact? NO

6. DISPOSITION(WAS the CASE dismissed? WAS it APPEALED?
Is it still PENDING?) Dismissed AS FRIVOLOUS

7. APPROXIMATE date of filing LAWSUIT: 12-02-13

8. APPROXIMATE date of disposition: 5-20-14

PREVIOUS LAWSUIT

1. PARTIES TO THIS PREVIOUS LAWSUIT

Plaintiff: Donald MANNING #407196

Defendant(s) BRIAN OWENS ET. AL

Court (NAME THE DISTRICT): Northern Dist. Rome

3. Docket Number 4:14-cv-88-HLM-WES

4. Name of judge to whom CASE WAS ASSIGNED: WALTER E. JOHNSON

5. Did the PREVIOUS CASE INVOLVE THE SAME FACT? YES

6. Disposition (WAS THE CASE DISMISSED? WAS IT APPEALED? IS IT STILL PENDING?) Dismissed without prejudice

7. Approximate date of filing lawsuit: 4-21-14

8. Approximate date of disposition 7-8-14

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank.)

A. Name of Plaintiff: DONALD MANNING #407196

Address(es): HAYS STATE PRISON
P.O. Box 668
TRIEN, GA. 30753

(In item B below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Do the same for each additional defendant, if any.)

B. Defendant(s): BRIAN OWENS, RICK JACOBS, CLAY TATUM
SHAY HATCHER, TIMOTHY CLARK, OFC. SARGET AND
OFC. KYSER

Employed as COMMISSIONER, REGIONAL DIR, WARDEN, WARD-
EN, UNKNOWN, OFFICER, OFFICER

at D.O.C., D.O.C., D.O.C., D.O.C., UNKNOWN, HAYS
STATE PRISON, HAYS STATE PRISON.

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

THE HAYS STATE PRISON OFFICIALS, DEFENDANTS NAMED
IN THIS 1983 CIVIL ACTION CONDUCTED AMOUNTED TO DE-
LIBERATE INDIFFERENCE AND FAILED TO PROTECT, PLAINT-
IFF DONALD MANNING, SAFETY AND VIOLATED HIS RIGHT
UNDER THE CRUEL AND UNUSUAL PUNISHMENT CLAUSE OF
THE FEDERAL CONSTITUTION OF THE EIGHTH AMENDMENT
CONDITIONS OF CONFINEMENT UNDER THE RULES THAT AN
OFFICIALS DELIBERATE INDIFFERENT TO A SUBSTANTIAL
RISK OF SERIOUS HARM TO A PRISONER, VIOLATES THE EIGHTH
AMENDMENT ONLY IF THE OFFICIALS ARE SUBJECTIVE AWARE

IV. Statement of Claim (Cont'd)

that the PRISONER faces such a risk and disregards that risk by failing to take REASONABLE MEASURES to abate the risk when on JANUARY 2ND 2013 Plaintiff DONALD MANNING WAS IN HIS ASSIGNED dorm B-2, CELL #216. At about 11:20^{PM} when SIX GANG MEMBERS OF GANGSTER DISCIPLES KNOWN AS G.D.^S ENTERED HIS CELL displaying LARGE KNIVES. Plaintiff DONALD MANNING WAS UNABLE to lock his cell door AS 80% of the cell doors in B-2 WERE damage. Plaintiff MANNING WAS THEN ESCORTED by four G.D.^S AT KNIFE POINT to the SHOWER AND PLACED IN DOWN STAIR, END SHOWER WITH RUNNING WATER WHILE HE REMAINED FULLY DRESSED. The two REMAINING G.D.^S who STAYED IN Plaintiff MANNING CELL, BROKE INTO HIS LOCKER BOX AND STOLE ALL OF HIS PERSONAL PROPERTY. Two G.D.^S ESCORTED Plaintiff MANNING FROM THE SHOWER. ONE OF THE G.D. KNOCK ON B-CONTROL booth WINDOW AND told OFFICER SARGET to OPEN THE DOOR. OFFICER SARGET OPEN THE DOOR. Plaintiff MANNING WAS PUT OUT OF THE dorm. The two G.D.^S REMAINED IN FRONT OF THE dorm WITH THEIR KNIVES, NEAR THE FRONT DOOR. While Plaintiff MANNING STAND IN THE SALLY PORT. Plaintiff MANNING told both OFFICER, OFFICER SARGET AND OFFICER KYSER. THE G.D.^S IS IN HIS ROOM STEALING HIS PERSONAL PROPERTY. About 10 MINUTES LATER Plaintiff MANNING SEEN two G.D.^S coming down stairs with the REMAINING OF HIS PROPERTY AT THE DOOR. OFFICER KYSER CAME OUT B-CONTROL booth, ASK Plaintiff MANNING, WHAT HAPPEN. Plaintiff MANNING told OFFICER KYSER, HE WAS ROBBED BY SIX G.D. WITH KNIVES

V. Relief

State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

Each DEFENDANTS SUED INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITIES, UNDER COLOR OF STATE LAW, VIOLATED THE Plaintiff RIGHTS UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTIONS AND LAW OF THE UNITED STATES.

Plaintiff COMPENSATORY DAMAGE IN THE AMOUNT OF \$200,000.00 AGAINST EACH DEFENDANTS, JOINTLY AND SEVERALLY

Plaintiff PUNITIVE DAMAGE IN THE AMOUNT OF \$2,000,000.00 AGAINST EACH DEFENDANTS, JOINTLY AND SEVERALLY

IV. Statement of Claim

ESCORTED in the shower. OFFICER SARGET OPEN the door for OFFICER KYSER to get my PROPERTY. Plaintiff MANNING WAS PLACED IN SEGREGATION, dorm H-2 by two CERT. OFFICERS.

~~Plaintiff MANNING GRIEVANCE DENIED~~

~~GRIEVANCE # 143339 ATTACHED AS EXHIBIT A~~

~~GRIEVANCE # 82222 ATTACHED AS EXHIBIT B~~

~~GRIEVANCE # 143780 ATTACHED AS EXHIBIT C~~

~~Plaintiff MANNING LETTER # 143780 ATTACHED AS EXHIBIT D~~

~~Plaintiff MANNING, GRIEVANCE # 143653, MATTER DISMISSED. EXHIBIT E.~~

V. Relief (Cont'd)

My PERSONAL PROPERTY BE REPLACED, SAME QUALITY

A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY

Plaintiff COST IN THIS COURT/SUIT

THERE TO BE AT LEAST ONE OFFICER, PHYSICALLY PRESENT
IN THE DORM, AT ALL TIME

A STOOL AND DESK, PLACED IN EACH DORM FOR THE OFFICER

ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST PROPER
AND EQUITABLE

Signed this 9th day of Sept., 2014.

Donald Manning
Signature of Plaintiff

STATE OF Georgia
COUNTY (CITY) OF TRION

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED ON 9-9-2014
(Date)

Donald Manning
Signature of Plaintiff